

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Civil Action No.: 16-CV-00156-KK-SCY

BRANDON K. ELI,

Plaintiff,

v.

U.S. BANK, NATIONAL ASSOCIATION;
NATIONSTAR MORTGAGE INC.,

Defendants.

MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Defendant U.S. Bank National Association (“U.S. Bank”), by its undersigned counsel, hereby submits its motion for extension of time to answer or otherwise respond to Plaintiff’s Complaint, and in support thereof, state as follows:

1. U.S. Bank has attempted to confer with Plaintiff Brandon Eli regarding this motion; however the telephone number provided in Plaintiff’s complaint is a business number, and when undersigned counsel attempted to reach Mr. Eli at that number, the undersigned was informed that Mr. Eli was not available by telephone but could be sent notices by mail. Accordingly, it is unknown at this time whether this Motion will be opposed.

2. On or about March 3, 2016, Plaintiff filed a complaint in this Court (the “Complaint”).

3. It appears that the complaint was served on U.S. Bank on or about March 29, 2016.

4. Accordingly, pursuant to Fed. R. Civ. P 12(a)(1)(A)(i), U.S. Bank’s current deadline to answer or otherwise respond to the Complaint is April 19, 2016.

5. Undersigned counsel was only recently retained in this matter, and requires time to review the pleadings and investigate Plaintiffs' claims in order to effectively respond to Plaintiff's complaint.

6. Accordingly, U.S. Bank respectfully requests an enlargement of time of 21 days, up to and including May 10, 2016, to file an answer or otherwise respond to Plaintiff's Complaint.¹

7. Pursuant to F.R.C.P. 6(b)(1)(A), if a party moves for an extension of time before the applicable deadline expires, "the court may, for good cause, extend the time."

8. Good cause exists to extend U.S. Bank's deadline to respond to the Complaint because U.S. Bank and its counsel require additional time to research and respond to the allegations in the Complaint.

9. No party will be prejudiced by the relief sought herein.

WHEREFORE, U.S. Bank respectfully requests the Court grant its motion for an extension of time to answer or otherwise respond to Plaintiff's Complaint, allowing U.S. Bank up to and including May 10, 2016 to respond to Plaintiff's Complaint, and providing such other and further relief as it deems proper.

¹ Upon information and belief, defendant "Nationstar Mortgage Inc." has not yet been properly served in this matter as of the date of this Motion. In the event Plaintiff has in fact properly served this defendant, undersigned counsel will also represent it in this action, and requests that its deadline to answer or otherwise respond to the Complaint also be extended by 21 days for the same reasons set forth herein as to U.S. Bank.

Dated this 19th day of April, 2016.

Respectfully,

MURR SILER & ACCOMAZZO, P.C.

s/ Jamie G. Siler

Jamie G. Siler

James P. Eckels

410 Seventeenth Street, Suite 2400

Denver, Colorado 80202

Telephone: (303) 534-2277

Facsimile: (303) 534-1313

Email: *jsiler@msa.legal; jeckels@msa.legal*

ATTORNEYS FOR U.S. BANK NATIONAL ASSOCIATION.

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2016, I served a copy of the foregoing document to the following by:

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Fax
- ☐ Electronic Mail

Brandon K Eli

P.O. Box 35037

Albuquerque, NM 87176

By: */s/ Mark S. Adams*

Mark S. Adams, paralegal